

Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 01957 01 OF 02 172336Z

66

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 TRSE-00 DOTE-00

RSR-01 /061 W

----- 118349

P 172140Z AUG 73

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 1551

INFO AMCONSUL CALGARY

AMCONSUL HALIFAX

AMCONSUL MONTREAL

AMCONSUL VANCOUVER

AMCONSUL WINNIPEG

LIMITED OFFICIAL USE SECTION 1 OF 2 OTTAWA 1957/1

E.O. 11652: N/A

TAGS: ETRN, CA

SUBJECT: CIVAIR- PRECLEARANCE

REF: (A) STATE 162650 (B) OTTAWA 1941

1. SEAL (MOT) DELIVERED TEXT OF CANADIAN DRAFT OF AGREEMENT ON PRECLEARANCE TO EMBASSY LATE AFTERNOON AUGUST 17 WITH REQUEST THAT WE SEND IT TO WASHINGTON SO THAT ORTMAN MIGHT REVIEW IT BEFORE ARRIVAL CANADIAN DELEGATION TO PRECLEARANCE TALKS ON MONDAY. SEAL SAID DRAFT DIFFERS IN SOME SIGNIFICANT RESPECTS FROM U.S. DRAFT (RETEL A) AND RESULTED FROM MEETING INTERESTED CANADIAN AGENCIES EARLIER IN DAY. TEXT FOLLOWS:

BEGIN TEXT

AGREEMENT ON PRECLEARANCE AUGUST 17, 1973

DRAFT

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 01957 01 OF 02 172336Z

REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND OF THE GOVERNMENT OF CANADA (HEREINAFTER REFERRED TO AS THE PARTIES) HAVE DISCUSSED THE CONTINUANCE IN CANADA AND THE ESTABLISHMENT IN THE UNITED STATES OF INSPECTIONS REQUIRED FOR ENTRY INTO THE UNITED STATES AND CANADA OF PASSENGERS DESTINED TO EITHER COUNTRY ON COMMON CARRIAGE FLIGHTS OF AIRCRAFT, SCHEDULED OR CHARTER, (FOOTNOTE 1: DOES NOT INCLUDE COMMERCIAL OPERATORS EMPLOYING AIRCRAFT OF 12,500 POUNDS OR UNDER, GROSS TAKE-OFF WEIGHT, OR AIR-TAXI-TYPE OPERATIONS OR PRIVATE FLIGHTS.) A PROCEDURE HEREFTER REFERRED TO AS "PRE-CLEARANCE". THEY AGREE THAT PRE-CLEARANCE FACILITATES TRAVEL BETWEEN THE TWO COUNTRIES AND THAT IT SHOULD BE CONTINUED (AND ESTABLISHED) AT VARIOUS LOCATIONS IN CANADA AND THE UNITED STATES, SUBJECT TO THE PROVISION OF FACILITIES ADEQUATE TO ENABLE THE UNITED STATES' AND CANADIAN INSPECTION AGENCIES TO USE THEIR MANPOWER EFFICIENTLY AND TO INSURE PROPER INSPECTION CONTROL FOR PASSENGERS AND THEIR POSSESSIONS, AIRCRAFT, CREW, BAGGAGE (FOOTNOTE 2: INCLUDES UNACCOMPANIED BAGGAGE.) AND AIRCRAFT STORES ENTERING THE UNITED STATES AND CANADA AND TO OTHER CONDITIONS SET FORTH IN THIS AGREEMENT.

ARTICLE 1

(A) THE PARTIES AGREE THAT PRECLEARANCE SHALL BE CONTINUED AND INSTITUTED AT LOCATIONS SPECIFIED IN ANNEX A TO THIS AGREEMENT. THE PRECLEARANCE PROGRAM SHALL BE EXTENDED TO PROVIDE SERVICE IN MULTI-TERMINAL COMPLEXES AT LOCATION SO SPECIFIED.

(B) THE PARTIES FURTHER AGREE THAT PRECLEARANCE MAY BE INTRODUCED BY THE UNITED STATES INTO ADDITIONAL CITIES IN CANADA OR BY CANADA INTO CITIES IN THE UNITED STATES UNDER THE CONDITIONS SPECIFIED IN THIS AGREEMENT AND UPON THEIR CONCURRENCE TO THAT EFFECT EXPRESSED IN WRITING. PRECLEARANCE SHALL REMAIN IN EFFECT AT DESIGNATED POINTS UNLESS TERMINATED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 8 OF THIS AGREEMENT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 01957 01 OF 02 172336Z

ARTICLE 2

WHERE PRECLEARANCE EXISTS IN THE TERRITORY OF A PARTY, THAT PARTY SHALL:

(A) PERMIT INSPECTIONAL AGENCIES OF THE OTHER PARTY TO CARRY OUT PRECLEARANCE OF PASSENGERS AND THEIR POSSESSIONS, AIRCRAFT, CREW, BAGGAGE (FOOTNOTE 1:

INCLUDES UNACCOMPANIED BAGGAGE) AND AIRCRAFT STORES DESTINED NONSTOP TO THE TERRITORY OF THE INSPECTING PARTY AND, IN THIS CONTEXT, PERMIT SUCH INSPECTIONAL AGENCIES TO DETERMINE THE PROCEDURES UNDER WHICH THE INSPECTIONS WILL BE CARRIED OUT AND THE UTILIZATION OF MANPOWER.

(B) PROVIDE ACCEPTABLE FACILITIES FOR THE INSPECTION AGENCIES TO CONDUCT PRECLEARANCE PROCEDURES, AS DEFINED IN ANNEX B TO THIS AGREEMENT.

(C) PERMIT THE INSTALLATION AND OPERATION BY THE OTHER PARTY OF SUCH COMMUNICATIONS AND OTHER MODERN INSPECTION AIDS AS IT REQUIRES.

(D) PROVIDE APPROPRIATE LAW ENFORCEMENT ASSISTANCE TO EITHER COUNTRY'S INSPECTORS INCLUDING INTER ALIA:

(1) SEARCH BY ONE PARTY'S LAW ENFORCEMENT OFFICER IN THE PRESENCE OF THE OTHER COUNTRY'S INSPECTION OFFICER OF ANY PERSON AND HIS EFFECTS WHICH ARE SUBJECT TO PRECLEARANCE IN ACCORDANCE WITH THIS AGREEMENT IF, UNDER THE LAW OF THE COUNTRY IN WHICH PRECLEARANCE TAKES PLACE, THAT LAW ENFORCEMENT OFFICER HAS SUFFICIENT GROUNDS TO BELIEVE THAT THE PERSON SEARCHED IS SEEKING TO CARRY INTO THE OTHER COUNTRY MERCHANDISE OR OTHER ARTICLES THE POSSESSION OF WHICH CONSTITUTES AN OFFENCE UNDER THE LAW OF THE COUNTRY IN WHICH PRECLEARANCE TAKES PLACE.

(2) SEARCH BY A LAW ENFORCEMENT OFFICER OF ANY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 OTTAWA 01957 01 OF 02 172336Z

ACCOMPLICE OF ABETTOR OF A PERSON SEARCHED FOR REASONS AND UNDER THE CONDITIONS SPECIFIED IN PARAGRAPH (1) ABOVE.

(E) SHOULD UPON SEARCH CONDUCTED PURSUANT TO PARAGRAPH (D) (1) AND (2) ABOVE MERCHANDISE OR OTHER ARTICLES ARE DISCLOSED THE POSSESSION OF WHICH CONSTITUTES AN OFFENCE UNDER THE LAW OF THE COUNTRY IN WHICH PRECLEARANCE TAKES PLACE, THE LAW ENFORCEMENT OFFICER SHALL TAKE WHATEVER STEPS WOULD HAVE ORDINARILY BEEN TAKEN IF THE ARTICLES AND/OR MERCHANDISE WOULD HAVE BEEN FOUND UNDER CIRCUMSTANCES UNRELATED TO PRECLEARANCE.

(F) PROVIDED THAT INSPECTIONAL AGENCIES MAY DECLINE

TO CONDUCT PRECLEARANCE ON ANY AIR CARRIER UNTIL THAT
CARRIER HAS FILED TARIFFS WITH THE APPROPRIATE
GOVERNMENT REGULATORY AGENCY PERMITTING THE CARRIER TO
DENY CARRIAGE TO ANYONE FAILING TO SUBMIT TO A
PRECLEARANCE INSPECTION AND TO ANYONE WHO, HAVING
SUBMITTED TO SUCH INSPECTION, IS FOUND INELIGIBLE BY
INSPECTIONAL AGENCIES TO FLY ON A PRECLEASED FLIGHT.

ARTICLE 3

EACH PARTY FOR THE CONDUCT OF THE INSPECTIONS
SHALL:

(A) PROVIDE A SUFFICIENT NUMBER OF INSPECTORS TO
CARRY OUT WITH REASONABLE SPEED AND EFFICIENCY
PRECLEARANCE OF PASSENGERS AND THEIR POSSESSIONS,
AIRCRAFT, CREW, BAGGAGE (FOOTNOTE 1: INCLUDES
UNACCOMPANIED BAGGAGE.) AND AIRCRAFT STORES IN COMMON
CARRIAGE FLIGHTS OF AIRCRAFT, SCHEDULED OR CHARTER

LIMITED OFFICIAL USE

NNN

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 01957 02 OF 02 172344Z

66

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 TRSE-00 DOTE-00

RSR-01 /061 W

----- 118470

P 172300Z AUG 73

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC PRIORITY 1552

INFO AMCONSUL CALGARY

AMCONSUL HALIFAX

AMCONSUL MONTREAL

AMCONSUL VANCOUVER

AMCONSUL WINNIPEG

LIMITED OFFICIAL USE SECTION 2 OF 2 OTTAWA 1957/2

(FOOTNOTE 2: DOES NOT INCLUDE COMMERCIAL OPERATORS

EMPLOYING AIRCRAFT OF 12,500 POUNDS OR UNDER, GROSS TAKE-OFF WEIGHT, OR AIR-TAXI-TYPE OPERATIONS OR PRIVATE FLIGHTS.) WITH REASONABLE SPEED AND EFFICIENCY.

(B) CONSULT WITH THE AIRPORT MANAGER, THE APPROPRIATE AUTHORITIES OF THE OTHER PARTY AND WITH THE AIR-CARRIERS CONCERNED IN DECIDING ON ADMINISTRATIVE MATTERS RELATED TO THE DAY-TO-DAY IMPLEMENTATION AND OPERATION OF PRECLEARANCE PROCEDURES. NOTWITHSTANDING THE ABOVE, BOTH PARTIES SHALL HAVE THE PREROGATIVE TO REQUIRE POST-CLEARANCE AS THEY DEEM IT NECESSARY OF ANY PASSENGERS AND THEIR POSSESSIONS ON ANY FLIGHT THAT HAS BEEN PRECARED. ANY FLIGHT THAT IS DIVERTED OR REQUIRED TO BE POST-CLEARED SHALL BE GIVEN PRIORITY FOR THE PURPOSES OF POST-CLEARANCE INSPECTION.

ARTICLE 4

COSTS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 01957 02 OF 02 172344Z

ARTICLE 5

PRECLEARANCE BEING A FACILITATION PROCEDURE, AN AIRLINE SHALL HAVE THE DISCRETION TO USE PRECLEARANCE OR POSTCLEARANCE, PROVIDED THAT, IF THE AIRLINE OPTS FOR PRECLEARANCE, IT SHALL USE THE PROCEDURES FOR ALL ITS FLIGHTS ON ANY GIVEN ROUTE, HAVING PROVIDED THREE MONTHS NOTICE OF ITS INTENT TO DO SO, AND THEREAFTER THREEMONTHS NOTICE TO WITHDRAW FROM PRECLEARANCE AT ANY LOCATION WHERE THE FACILITY IS ESTABLISHED OR FORMS A PART OF THIS AGREEMENT.

PRECLEARANCE WILL NOT BE ESTABLISHED AT ANY LOCATION UNTIL AGREED BY BOTH PARTIES AND A REASONABLE PERIOD OF EIGHTEEN MONTHS NOTICE SHALL BE REQUIRED FOR THE ESTABLISHMENT OF PRECLEARANCE AT ANY NEW LOCATION.

ARTICLE 6

(A) EACH GOVERNMENT SHALL TAKE APPROPRIATE MEASURES TO PERMIT THE INSPECTION OFFICERS OF THE OTHER COUNTRY TO BE ABLE TO PERFORM THEIR FUNCTIONS SATISFACTORILY.
(CANADIAN TEXT).

(B) GRANT TO ALL CITIZEN EMPLOYEES OF THE OTHER PARTY ASSIGNED TO DUTIES IN ITS TERRITORY IN ACCORDANCE WITH THIS AGREEMENT AND TO THEIR FAMILIES THE SAME PRIVILEGES AND IMMUNITIES AS ARE ACCORDED TO

ADMINISTRATIVE AND TECHNICAL PERSONNEL OF A DIPLOMATIC MISSION OR TO THE FAMILY OF SUCH PERSONNEL, UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961. (UNITED STATES' TEXT).

ARTICLE 7

EITHER PARTY MAY AT ANY TIME REQUEST IN WRITING CONSULTATIONS CONCERNING THE INTERPRETATION, APPLICATION AND MODIFICATION OF THIS AGREEMENT AND OF IT ANNEXES. SUCH CONSULTATIONS SHALL BEGIN WITHIN 60 DAYS FROM THE DATE ON WHICH SUCH REQUEST IS LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 01957 02 OF 02 172344Z

RECIEVED BY THE OTHER PARTY.

ARTICLE 8

THIS AGREEMENT TOGETHER WITH ITS ANNEXES SHALL BECOME EFFECTIVE ON THE DATE OF ITS SIGNATURE. THEREAFTER, IT SHALL CONTINUE TO BE IN FORCE UNLESS TERMINATED BY EITHER PARY GIVING ONE YEAR NOTICE IN WRITING TO THE OTHER PARTY.

END OF TEXT

2. SIMARD (EXTAFF) INFORMED EMBASSY THAT CPA REPRESENTATIVE FALBRAITH HAS BEEN ADDED TO DELEGATION REPORTED REFTEL B. HE SAID IT POSSIBLE, BUT NOT AT ALL CERTAIN LEGAL ADVISOR WILL BE ADDED BEFORE DEPARTURE.
JOHNSON

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 17 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973OTTAWA01957
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730831/aaaaawpx.tel
Line Count: 313
Locator: TEXT ON-LINE
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) STATE 162650 (B) OTTAWA 1941
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 07 SEP 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07-Sep-2001 by elyme>; APPROVED <13-Nov-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR- PRECLEARANCE
TAGS: ETRN, CA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005